

REMARKS

As a preliminary matter, in the Office Action mailed September 8, 2004, the Examiner did not indicate that the reference titled “The inventorship entity was aware of SONET system backplanes that only supported SONET switchcards and ATM system backlanes that only supported ATM switchcards prior to June 2, 1999.” that was listed under [Information] on the PTO-1449 form mailed November 3, 2003 was considered and made of record by initialing the corresponding box on the PTO-1449 form. The Examiner also did not indicate that this reference was not in conformance with MPEP 609. As such, applicant respectfully request that the Examiner indicate that this reference has been considered and made of record.

Office Action Rejections Summary

Claims 12-15, 21, 27-30, 33-37, 39-46, and 48-50 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,134,238 of Noh (“Noh”).

Claims 16-20, 38, and 47 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Noh.

Claims 22-26 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Noh in view of U.S. Patent No. 6,560,219 of Tabu et al. (“Tabu”).

Claim 31 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Noh in view of the admitted prior art disclosed in the specification in pages 1-9.

Claims 27-30, 39, 42 and 44 have been objected to for informalities.

Status of Claims

Claims 12-31 and 33-50 are pending in the application. Claims 27-30, 39, 42 and 44 have been amended to more properly define preexisting claim limitations. No claims have been added. No new matter has been added. No claims have been canceled.

Claim Objections and Rejections

Claims 27-30, 39, 42 and 44 have been objected to for informalities. It is submitted that the amendments to the claims overcomes the objections.

Claims 12-15, 21, 27-30, 33-37, 39-46, and 48-50 have been rejected under 35 U.S.C. §102(e) as being anticipated by Noh. It is respectfully submitted that claims 12-15, 21, 27-30, 33-37, 39-46, and 48-50 are patentable over the cited reference. Each of claims 12 and 33 include the limitation of “each of said adapter card interfaces having an arrangement of inputs and outputs to functionally mate to an ATM adapter card and to functionally mate to a SONET adapter card.” Claim 45 includes the limitation of “functional mating means that functionally mate to an ATM adapter card and that functionally mate to a SONET adapter card.”

The Office Action states:

With respect to claims 12-14, 33-37, and 45-46, Noh discloses in Fig. 5A, a hybrid switching system for accommodating both ATM and STM traffic includes STM fabric 30, ATM fabric 85, and a plurality of input/output STM and ATMs. Herein, STM fabric is fabricated in a back plane as considered by the examiner, which is separated from another back plane of ATM fabric. Further, it should be understood that switch card interfaces are needed to hold the STM 30 and ATM 85 and adapter card interfaces needed to hold the STM and ATM adapter cards connecting to the physical lines (the back plane having a plurality of switch card interfaces and a plurality of adapter card interfaces). As shown in Fig. 5A, one of the switch card interfaces must couple the STM 30 to the back plane and another one of the switch card interfaces must couple the ATM 85 to another back plane. Herein, each switch card interface has inputs and outputs (each of said switch card interfaces having an arrangement of inputs and outputs to functionally mate to an ATM switch card and to functionally mate to a SONET switch card). Noh discloses in Fig. 5A, a hybrid switching system for switching data therefore adapter card interfaces connecting to adapter cards must connect to the switch card interfaces for relaying the input data to the switch cards. Even though, the connections are not shown in Fig. 5A, but it is there to relay traffic (each of said adapter card interfaces coupled to each of said switch card

interfaces). Further, connections are there to receive the input data from each of the adapter card interfaces and forward to both the STM fabric and ATM fabric (each of said adapter card interfaces having an arrangement of inputs and outputs to functionally mate to an ATM adapter card and to functionally mate to a SONET adapter card).

(Office Action, 9/8/04, pp. 3-4).

Applicants respectfully disagree with the Office Action's characterization of the reference. In particular, the Office Action has not provided any supporting citation to Noh to support its assertion that Noh discloses adapter card interfaces having an arrangement of inputs and outputs to functionally mate to an ATM adapter card and to functionally mate to a SONET adapter card. Rather, the Office Action draws an unsubstantiated conclusion about what is disclosed in the ATM transport scheme of Fig. 5A of Noh.

First nothing in Noh describes, teaches or suggests the use of adapter cards or the ability of the scheme to functionally mate one arrangement of input/outputs to two different cards. Furthermore, it is submitted that Fig. 5A of Noh discloses that both an STM cross connect fabric 30 and an ATM fabric 85 are needed in the hybrid scheme to combine both STM and ATM traffic. Accordingly, separate switch cards (via fabric 30 and fabric 85) are needed to interface with the ATM channel and the STM channel. Nothing in Noh discloses that STM fabric 30 can be coupled to an ATM channel or that ATM fabric 85 can be coupled to an STM channel.

If the Examiner is to purport that such is inherently disclosed by Noh, the Examiner is respectfully reminded that the fact that a certain characteristic may be present in a reference is not sufficient to establish the inherency of such. Inherency may not be established by probabilities or possibilities. (See MPEP 2112).

In regards to claim 21, it is submitted that Noh does not disclose integrating a first backplane into an ATM system that does not comprise any SONET switch cards and integrating said second backplane into a SONET system that does not comprise any ATM switch cards. First, Noh is completely silent as to its backplane. Moreover, it appears

any purported disclosure of a backplane in Noh would comprises both the ATM switch cards and STM switch cards as shown in Fig. 5A of Noh.

Therefore, it is submitted that claims 12-15, 21, 27-30, 33-37, 39-46, and 48-50 are not anticipated by Noh and request that the rejection be withdrawn.

Claims 16-20, 38, and 47 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Noh. Claims 16-20 depends from claim 12, claim 38 depends from claim 33 and claim 47 depends from claim 45. For reasons similar to those given above with respect to claims 12, 33 and 47, it is submitted that 16-20, 38, and 47 are patentable over Noh.

Claims 22-26 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Noh in view of Tabu. Applicants respectfully disagree with the Office Action's characterization of the references. Furthermore, Claims 22-26 depend from and therefore include the limitations of claim 21. It is respectfully submitted that Tabu fails to cure the deficiencies noted above with respect to claim 21 and, therefore, claims 22-26 are patentable over the cited references.

Claim 31 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Noh in view of the admitted prior art disclosed in the specification in pages 1-9. Applicants respectfully disagree with the Office Action's assertions. Furthermore, claim 31 depends from and therefore include the limitations of claim 21. For reasons similar to those given above with respect to claim 21, it is submitted that claim 31 is patentable over the cited reference.

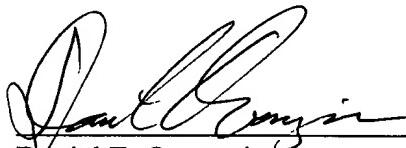
In conclusion, applicants respectfully submit that in view of the arguments and amendments set forth herein, the applicable rejections and objections have been overcome.

If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



Daniel E. Ovanezian
Registration No. 41,236

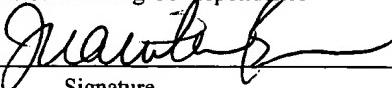
Dated: 1/12, 2005
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300

FIRST CLASS CERTIFICATE OF MAILING

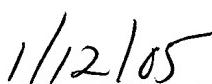
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop RCE, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

on 1/12/05
Date of Deposit

JUANITA BRISCOE
Name of Person Mailing Correspondence



Signature



Date